

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN ANTONIO GOODE,

Defendant.

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Civil Case No. 12-14055  
(Criminal Case No. 96-80997)  
Honorable Patrick J. Duggan

**OPINION AND ORDER**

On September 10, 2012, Defendant Kevin Antonio Goode (“Defendant”) filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence. On September 14, 2012, the government responded with a request to transfer Defendant’s motion to the Sixth Circuit as a successive petition brought by Defendant under 28 U.S.C. § 2255.

In October 2000, Defendant filed his first motion to vacate, set aside, or correct sentence, which this Court denied on January 23, 2001. (ECF Nos. 220, 225.) Defendant filed a second motion under § 2255 on October 6, 2011, which this Court transferred to the Sixth Circuit Court of Appeals in an opinion and order dated October 31, 2011. (ECF Nos. 322, 327.) The Sixth Circuit subsequently dismissed the matter for want of prosecution. (ECF No. 330.) For the reasons set forth in this Court’s October 31, 2011 opinion and order transferring Defendant’s previously filed successive petition under § 2255, the Court grants the government’s request to transfer the pending motion.

Accordingly,

**IT IS ORDERED**, that the Clerk of the Court is directed to transfer Defendant's motion to the United States Court of Appeals for the Sixth Circuit.

Date: October 2, 2012

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
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